

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice on February 16, 2007 at 8:02 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Douglas Cordier (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. George Everett (R)
Rep. Julie French (D)
Rep. Rick Jore (C)
Rep. Krayton Kerns (R)
Rep. Roger Koopman (R)
Rep. Deborah Kottel (D)
Rep. Tom McGillvray (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Holly Raser (D)
Rep. John Ward (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 624, HB 625, HB 641, HB 714, HB 494 2/9/2007
Executive Action: HB 455, HB 630, HB 636, HB 606, HB 494

HEARING ON HB 624

Opening Statement by Sponsor:

00:01:05 Rep. Edith Clark (R), HD 28, opened the hearing on HB 624, Implement nursing compact.

Proponents' Testimony:

00:03:23 Barbara Swehla, Executive Director, Montana State Board of Nursing

[EXHIBIT\(juh35a01\)](#)

[EXHIBIT\(juh35a02\)](#)

[EXHIBIT\(juh35a03\)](#)

00:08:28 Casey Blumenthal, Montana Hospital Association

[EXHIBIT\(juh35a04\)](#)

00:13:50 Jani McCall, Billings Clinic, Employee Benefit Management Services

00:15:27 Mike Foster, Sisters of Charity Hospital, St. Vincent Healthcare, St. James Healthcare, Holy Rosary Healthcare, Wheatland Memorial Hospital

Opponents' Testimony:

00:18:02 Linda Henderson, President, Montana Nurses Association

[EXHIBIT\(juh35a05\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:26:06 Rep. French

00:26:33 Ms. Swehla

00:32:40 Rep. Rice

00:33:37 Rep. Clark

Closing by Sponsor:

00:35:12 Rep. Clark

HEARING ON HB 625

Opening Statement by Sponsor:

00:36:09 Rep. Jack Wells (R), HD 69, opened the hearing on HB 625, Prohibit sex offender possession of obscene or pornographic material.

Proponents' Testimony:

00:41:21 Dallas Erickson, Montana Citizens for Decency Through
Law

[EXHIBIT\(juh35a06\)](#)

[EXHIBIT\(juh35a07\)](#)

00:50:31 Lynn Stumberg, Eagle Forum

[EXHIBIT\(juh35a08\)](#)

00:52:34 Rachel Roberts, Montana Family Foundation

[EXHIBIT\(juh35a09\)](#)

Opponents' Testimony:

00:54:51 Nanette Gilbertson, Montana Library Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:58:22 Rep. McGillvray

00:58:40 Mr. Erickson

00:59:56 Rep. McGillvray

01:00:35 Ms. Gilbertson

01:02:59 Rep. O'Hara

01:03:26 Ms. Gilbertson

01:05:17 Rep. French

01:05:47 Mr. Erickson

01:12:22 Rep. Kottel

01:12:53 Mr. Erickson

01:21:59 Rep. Ebinger

01:22:50 Ms. Roberts

01:26:41 Rep. Gallik

01:28:44 Rep. Wells

01:32:50 Rep. Stoker

01:34:03 Rep. Wells

01:38:41 Rep. Peterson

01:39:42 Ms. Gilbertson

01:40:12 Lois Fitzpatrick, Montana Library Association

01:43:49 Rep. Rice

01:44:03 Ms. Fitzpatrick

Closing by Sponsor:

01:45:06 Rep. Wells

01:50:26 Break

02:04:10 Reconvene

HEARING ON HB 641

Opening Statement by Sponsor:

02:04:25 Rep. John Musgrove (D), HD 34, opened the hearing on HB 641, Revise minor in possession law.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:11:43 Rep. Stoker
02:13:48 Rep. Musgrove
02:16:29 Rep. Kottel
02:17:19 Rep. Musgrove
02:22:40 Rep. McGillvray
02:22:50 Rep. Musgrove
02:27:13 Rep. Peterson
02:28:47 Rep. Musgrove
02:29:17 Rep. French
02:31:06 Rep. Musgrove
02:33:33 Rep. Gallik
02:34:18 Rep. Musgrove
02:34:32 Rep. Kottel
02:35:20 Rep. Musgrove
02:37:05 Rep. Cordier
02:38:26 Rep. Musgrove

Closing by Sponsor:

02:39:03 Rep. Musgrove

HEARING ON HB 494

Opening Statement by Sponsor:

02:41:26 Rep. Penny Morgan (R), HD 57, opened the hearing on HB 494, Pregnant women protection act.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:42:15 Rep. Morgan

EXECUTIVE ACTION ON HB 494

02:42:19 **Motion:** Rep. Stoker moved that **HB 494 DO PASS.**

02:42:22 **Substitute Motion/Vote:** Rep. Jore made a substitute motion that **HB 494 BE TABLED.** Substitute motion carried unanimously by voice vote. Rep. Ward voted by proxy.

HEARING ON HB 714

Opening Statement by Sponsor:

02:42:56 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 714, Admissibility of medical narrative reports in civil proceedings.

Proponents' Testimony:

02:50:59 Mike Sand, Attorney

02:53:34 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony:

02:55:43 Greg Van Horsen, State Farm Insurance

Informational Testimony: None

Questions from Committee Members and Responses:

03:03:43 Rep. French

03:04:12 Mr. Smith

03:04:56 Rep. Gallik

03:06:07 Mr. Sand

03:08:08 Rep. Jore

03:09:40 Rep. Peterson

03:10:57 Rep. Driscoll

03:11:22 Rep. Peterson

03:13:03 Rep. French

03:13:42 Rep. Peterson

Closing by Sponsor:

03:15:58 Rep. Peterson

Committee Bill Report and Executive Action on Committee Bill:

03:18:45 Rep. French

03:21:01 **Motion:** Rep. French moved **TO REQUEST DRAFTING OF A COMMITTEE BILL** for the Interim Committee to study Indian Nations Relations

03:21:16 Rep. Jore

03:22:20 Rep. Gallik

03:23:47 Rep. French

03:24:05 Rep. McGillvray

03:24:40 Rep. Stoker

03:25:03 Rep. Kottel

03:25:18 Rep. Rice

03:27:10 **Vote:** Motion **REQUEST FOR A COMMITTEE BILL** failed 9-8 (3/4 majority needed for passage) by roll call vote with Reps. Cordier, Ebinger, French, Gallik, Jore, Koopman, Kottel, Raser, and Rice voting aye. Reps. Everett, O'Hara and Ward voted by proxy.

03:27:24 Rep. Koopman

03:27:28 Rep. Rice

03:27:01 David Niss, Legislative Services

03:28:17 Rep. Koopman

03:30:14 Rep. Kottel

03:33:36 Rep. Stoker

03:35:07 Rep. Cordier

03:35:27 Rep. Peterson

03:35:38 Rep. Rice

EXECUTIVE ACTION ON HB 455

03:36:30 **Motion:** Rep. McGillvray moved that **HB 455 DO PASS.**

03:36:54 **Motion:** Rep. Stoker moved that **HB 455 BE AMENDED.**
EXHIBIT(juh35a10)

Discussion:

03:38:06 Mr. Niss

03:39:13 **Vote:** Motion that **HB 455 BE AMENDED** carried unanimously by voice vote. Reps. Koopman, O'Hara and Ward voted by proxy.

03:40:22 **Motion:** Rep. Stoker moved that **HB 455 DO PASS AS AMENDED.**

03:01:24 **Vote:** Motion that **HB 455 DO PASS AS AMENDED** carried unanimously by roll call vote. Reps. O'Hara and Ward voted by proxy.

EXECUTIVE ACTION ON HB 606

03:42:27 **Motion:** Rep. Stoker moved that **HB 606 DO PASS.**

Discussion:

03:42:37 Rep. Peterson

03:43:24 Rep. Cordier

03:44:25 Rep. Ebinger

03:55:05 Rep. Gallik

03:55:15 Rep. Kottel

03:55:49 Rep. Rice

03:56:28 **Vote:** Motion that **HB 606 DO PASS** failed 8-9 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Kottel, McGillvray, and Raser voting aye. Reps. Koopman, O'Hara and Ward voted by proxy.

03:58:22 **Motion/Vote:** Rep. Everett moved that **HB 606 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Reps. O'Hara, Koopman and Ward voted by proxy.

EXECUTIVE ACTION ON HB 630

03:59:07 **Motion:** Rep. McGillvray moved that **HB 630 DO PASS.**

03:59:24 **Vote:** Motion that **HB 630 DO PASS** carried unanimously by voice vote. Reps. Koopman, O'Hara and Ward voted by proxy.

EXECUTIVE ACTION ON HB 636

04:00:08 **Motion:** Rep. McGillvray moved that **HB 636 DO PASS.**

Discussion:

04:00:31 **Motion:** Rep. McGillvray moved that **HB 636 BE AMENDED with a CONCEPTUAL AMENDMENT for "UNSTRIKING" LINES 7-8 ON PAGE 3.**

Discussion:

04:00:43 Rep. Peterson

04:11:15 Rep. Gallik

04:11:40 Rep. French

04:12:05 **Vote:** Motion that **HB 636 BE AMENDED** carried unanimously by voice vote. Reps. Koopman, O'Hara and Ward voted by proxy.

04:12:12 **Motion:** Rep. Stoker moved that **HB 636 DO PASS AS AMENDED.**

Discussion:

04:12:25 Rep. French

04:12:56 Rep. McGillvray

04:13:43 Rep. Cordier

04:15:04 Rep. Peterson

04:15:42 Rep. Rice

04:16:17 **Vote:** Motion that **HB 636 DO PASS AS AMENDED** carried 16-1 by voice vote with Rep. McGillvray voting no. Reps. Koopman, O'Hara and Ward voted by proxy.

ADJOURNMENT

Adjournment: 12:16 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh35aad.pdf](#))